

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
v.)	NO.: 3:08-cr-142
)	JUDGES PHILLIPS/SHIRLEY
)	
DAVID C. KERNELL)	

**JOINT MOTION TO CONTINUE TRIAL DATE
AND ALL CORRESPONDING DEADLINES**

Come the parties, the United States of America and David C. Kernell, jointly, pursuant to 18 U.S.C. § 3161, and hereby move the Court for an Order resetting this matter for trial at a time convenient for the Court and the parties and extending all corresponding deadlines accordingly.

In support of this motion, the parties would show as follows:

1. Mr. Kernell has been charged with violating 18 U.S.C. § 1030. The indictment alleges that Mr. Kernell intentionally accessed a computer without authorization and thereby obtained information in the furtherance of another offense or offenses.

2. Mr. Kernell made his first appearance before the Court and was arraigned on October 8, 2008. Pursuant to the Speedy Trial Act, the trial date was set for December 16, 2008.

3. The defendant filed motions on October 27, 2008. The parties agree that pursuant to 18 U.S.C. § 3161(h)(1)(F), the time from October 27, 2008, through the conclusion of the hearing on, or other prompt disposition of the motions is excludable under the Speedy Trial Act.

4. Because of the nature of the case, significant forensic evaluation is required. Additionally, counsel are cooperating in the discovery process and request additional time to discuss a number of issues in this case. Accordingly, the parties agree that pursuant to 18 U.S.C. § 3161(h)(8), an extension should be granted to allow counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

5. Undersigned defense counsel has consulted with Mr. Kernell and is authorized to state that Mr. Kernell is in agreement with the proposed continuance.

6. After informal consultation regarding the court's current schedule, the parties would propose potential trial dates of April 20, 2009, May 12, 2009, or May 19, 2009.

7. The parties would request corresponding adjustments for all court deadlines, including the motions and responses deadlines, as well as the responses to the motions that have already been filed.

WHEREFORE, the parties respectfully request that the Court find that pursuant to 18 U.S.C. § 3161, the ends of justice served by adjusting the schedule outweigh the best interests of the public and the defendant in a speedy trial, and to grant the requested adjustment in the schedule.

Respectfully submitted this 4th day of November, 2008.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been filed electronically this 4th day of November, 2008. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ WADE V. DAVIES
WADE V. DAVIES